

YAAKOV M. ROTH
Acting Assistant Attorney General
Civil Division
SARAH L. VUONG (CA Bar 258528)
Assistant Director
WILLIAM H. WEILAND (Mass. Bar 661433)
Senior Litigation Counsel
LAUREN BRYANT (NY Bar 5321880)
ANNA DICHTER (NJ Bar 304442019)
JEFFREY HARTMAN (WA Bar 49810)
CATHERINE ROSS (DC Bar 9007404)
AMANDA SAYLOR (FL Bar 1031480)
ERIC SNYDERMAN (VA Bar 99563)
Trial Attorneys
U.S. Department of Justice, Civil Division
Office of Immigration Litigation
General Litigation and Appeals Section
P.O. Box 868, Ben Franklin Station
Washington, DC 20044

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, *et. al.*,

Plaintiff,

v.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, *et. al.*,

Defendants.

Case No. 3:25-cv-1766-EMC

DEFENDANTS' MOTION FOR LEAVE TO FILE
A MOTION TO RECONSIDER THE COURT'S
MAY 2, 2025 AND MAY 9, 2025 ORDERS

Judge: Hon. Edward M. Chen

DEFS.' REQUEST FOR LEAVE TO FILE A MOTION TO RECONSIDER
No. 3:25-cv-1766-EMC

1 Pursuant to Local Rule 7-9, Defendants seek leave to file a Motion to Reconsider the Court's May
2 2, 2025 and May 9, 2025 Orders, ECF Nos. 129, 135.

3 Local Rule 7-9(a) requires that a party "make a motion before a Judge requesting that the Judge
4 grant the party leave to file a motion for reconsideration of any interlocutory order on any ground set forth
5 in Civil L.R. 7-9(b)). "The moving party must specifically show reasonable diligence in bringing the
6 motion." Local Rule 7-9(b). The moving party must also show that "a material difference in fact or law
7 exists from that which was presented to the Court before entry of the interlocutory order for which
8 reconsideration is being sought." Local Rule 7-9(b)(1).

9 On April 25, 2025, Defendants filed a Motion to Stay Further District Court Proceedings, including
10 Defendants' answer or other dispositive pleadings, discovery, and all other pending deadlines related to
11 the Venezuela TPS determination. ECF No. 115. On May 2, 2025, this Court held that a "stay of discovery
12 pending the interlocutory appeal is not warranted." ECF No. 129 at 3. On May 9, 2025, the Court further
13 ordered the Defendants to search documents using the search terms proposed by Plaintiffs and produce
14 those documents by today, May 19, 2025. ECF No. 135.

15 On May 19, 2025, the Supreme Court, in an 8-1 decision, granted the government's application
16 for a stay of this Court's March 31, 2025 Order "pending the disposition of the appeal in the United States
17 Court of Appeals for the Ninth Circuit and disposition of a petition for a writ of certiorari." *Noem v. Nat.*
18 *TPS Alliance*, No. 24A1059 (S. Ct. May 19, 2025). This stay reverses the Court's order granting the
19 motion to postpone the Secretary of Homeland Security's "decision to vacate the extension of the 2023
20 Designation and to terminate the 2023 Designation." *Nat. TPS Alliance*, --- F.Supp.3d ----, 2025 WL
21 957677, at *47 (N.D. Cal. Mar. 31, 2025). As required in Local Rule 7-9(b)(1), "a material difference in
22 fact or law exists from that which was presented to the Court before entry of the interlocutory order."
23 Specifically, the Supreme Court has stayed this Court's postponement order pending the appeal to the
24 Ninth Circuit.

25 Additionally, Defendants' Request for Leave should be granted because Defendants have shown
26 reasonable diligence in bringing the motion. "Reasonable diligence" in bringing a motion for leave to file
27 a motion for reconsideration requires the party seeking reconsideration to bring its motion expeditiously.

1 *See, e.g., York v. Bank of America*, 2016 WL 7033956, at *1 (N.D. Cal. Dec. 2, 2016) (motion brought 35
 2 days after order issued was “stale filing” submitted after “lengthy delay”); *Largan Precision Co., Ltd. v.*
 3 *Genius Electronic Optical Co., Ltd.*, 2015 WL 2063988, at *2 (N.D. Cal. May 4, 2015) (“waiting more
 4 than four weeks to file a motion for reconsideration” did not constitute reasonable diligence). Here, the
 5 Government brings this Motion the same day that the Supreme Court ruled on the government’s
 6 application for a stay.

7 Accordingly, Defendants respectfully request the opportunity to file a Motion to Reconsider the
 8 Court’s May 2, 2025 and May 9, 2025 Orders.

9 Dated: May 19, 2025

Respectfully submitted,

10
 11 YAAKOV M. ROTH
 Acting Assistant Attorney General
 Civil Division

12
 13 WILLIAM H. WEILAND (Mass. Bar 661433)
 Senior Litigation Counsel

14
 15 ERIC SNYDERMAN (VA Bar 99563)
 ANNA DICHTER (NJ Bar 304442019)
 16 LAUREN BRYANT (NY Bar 5321880)
 AMANDA SAYLOR (FL Bar 1031480)
 17 CATHERINE ROSS (DC Bar 9007404)
 Trial Attorneys

18
 19 /s/ Sarah L. Vuong
 Sarah L. Vuong
 Assistant Director (CA Bar 258528)
 20 U.S. Department of Justice, Civil Division
 Office of Immigration Litigation
 21 General Litigation and Appeals Section
 P.O. Box 868, Ben Franklin Station
 22 Washington, DC 20044
 Tel: (202) 305-1263
 23 Sarah.l.vuong@usdoj.gov

24 *Attorneys for the Defendants*